SUPREME COURT OF THE UNITED STATES

95–1691 (5)

PENNSYLVANIA
v.
EDWIN LABRON

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF PENNSYLVANIA, EASTERN DISTRICT

95–1738 (H)

PENNSYLVANIA
v.
RANDY LEE KILGORE

ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF PENNSYLVANIA, MIDDLE DISTRICT

Nos. 95–1691 AND 95–1738. Decided July 1, 1996

PER CURIAM.

In these two cases, the Supreme Court of Pennsylvania held that the Fourth Amendment, as applied to the States through the Fourteenth, requires police to obtain a warrant before searching an automobile unless exigent circumstances are present. Because the holdings rest on an incorrect reading of the automobile exception to the Fourth Amendment's warrant requirement, we grant the petitions for certiorari and reverse.

In *Labron*, No. 95–1691, police observed respondent Labron and others engaging in a series of drug transactions on a street in Philadelphia. The police arrested the suspects, searched the trunk of a car from which the drugs had been produced, and found bags containing cocaine. The Pennsylvania Supreme Court agreed with the trial court (but not with the intermediate court of appeals, 428 Pa. Super. 616, 626 A. 2d 646 (1993), whose judgment it reversed) that this evidence should be suppressed. ___ Pa. ___, 669 A. 2d 917 (1995). After surveying our precedents on the automobile exception as

well as some of its own decisions, the court "conclude[d] that this Commonwealth's jurisprudence of the automobile exception has long required both the existence of probable cause and the presence of exigent circumstances to justify a warrantless search." *Id.*, at ___, 669 A.2d, at 924. Satisfied the police had time to secure a warrant, *id.*, at 924–925, the court held that "the warrantless search of this stationary vehicle violated constitutional guarantees," *id.*, ___, 669 A.2d, at 924.

In *Kilgore*, No. 95–1738, an undercover informant agreed to buy drugs from respondent Randy Lee Kilgore's accomplice, Kelly Jo Kilgore. To obtain the drugs, Kelly Jo drove from the parking lot where the deal was made to a farmhouse where she met with Randy Kilgore and obtained the drugs. After the drugs were delivered and the Kilgores were arrested, police searched the farmhouse with the consent of its owner and also searched Randy Kilgore's pickup truck; they had seen the Kilgores walking to and from the truck, which was parked in the driveway of the farmhouse. The search turned up cocaine on the truck's floor. The trial court denied Randy Kilgore's motion to suppress the cocaine, holding the officers had probable cause to make the search. The appellate court affirmed. 437 Pa. Super. 491, 650 A. 2d 462 (1994). The Supreme Court of Pennsylvania reversed, citing *Labron* and holding that although there was probable cause to search the truck, ___ Pa. ___, ___, ___ A.2d ___, ___ (1995), the search violated the Fourth Amendment because no exigent circumstances justified the failure to obtain a warrant, ___, ___ A.2d, at ___.

The Supreme Court of Pennsylvania held the rule permitting warrantless searches of automobiles is limited to cases where "'unforeseen circumstances involving the search of an automobile [are] coupled with the presence of probable cause.'" (emphasis deleted) ___ Pa., at ___, 669 A. 2d, at 924, quoting *Commonwealth* v. *White*, ___ Pa. ___, ___, 669 A. 2d 896, 901 (1995). This was incorrect. Our first cases establishing the automobile

exception to the Fourth Amendment's warrant requirement were based on the automobile's "ready mobility," an exigency sufficient to excuse failure to obtain a search warrant once probable cause to conduct the search is clear. *California* v. *Carney*, 471 U. S. 386, 390–391 (1985) (tracing the history of the exception); *Carroll* v. *United States*, 267 U. S. 132 (1925). More recent cases provide a further justification: the individual's reduced expectation of privacy in an automobile, owing to its pervasive regulation. *Carney, supra*, at 391–392. If a car is readily mobile and probable cause exists to believe it contains contraband, the Fourth Amendment thus permits police to search the vehicle without more. *Carney, supra*, at 393. As the state courts found, there was probable cause in both of these cases: Police had seen respondent Labron put drugs in the trunk of the car they searched, and had seen respondent Kilgore act in ways that suggested he had drugs in his truck. We conclude the searches of the automobiles in these cases did not violate the Fourth Amendment.

Respondent Labron claims we have no jurisdiction to review the judgment in his case because the Pennsylvania Supreme Court's opinion rests on an adequate and independent state ground, viz., "this Commonwealth's jurisprudence of the automobile exception." ___ Pa., at ___, 669 A. 2d, at 924. We disagree. The language we have quoted is not a "plain statement" sufficient to tell us "the federal cases [were] being used only for the purpose of guidance, and d[id] not themselves compel the result that the court ha[d] reached." *Michigan* v. *Long*, 463 U. S. 1032, 1041 (1983). The Pennsylvania Supreme Court did discuss several of its own decisions; as it noted, however, some of those cases relied on an analysis of our cases on the automobile exception, see, *e. g.*, ___ Pa., at ___, 669 A. 2d, at 921 (observing *Commonwealth* v. *Holzer*, 480 Pa. 93, 103, 389 A. 2d 101, 106 (1978), cited *Coolidge* v. *New Hampshire*, 403 U. S. 443 (1971)); ___ Pa., at ___, 669 A. 2d, at 924

(stating *Commonwealth* v. *White*, *supra*, rested in part upon the Pennsylvania Supreme Court's analysis of *Chambers* v. *Maroney*, 399 U. S. 42 (1970)). The law of the Commonwealth thus appears to us "interwoven with the federal law, and . . . the adequacy and independence of any possible state law ground is not clear from the face of the opinion." *Michigan* v. *Long*, 463 U. S., at 1040–1041. Our jurisdiction in Labron's case is secure. *Ibid.* The opinion in respondent Kilgore's case, meanwhile, rests on an explicit conclusion that the officers' conduct violated the Fourth Amendment; we have jurisdiction to review this judgment as well.

Respondent Labron's motion to proceed *in forma pauperis* is granted. The petitions for writs of certiorari are granted, the judgments of the Supreme Court of Pennsylvania are reversed, and the cases are remanded for further proceedings not inconsistent with this opinion.

It is so ordered.